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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,963	06/11/1999	RICHARD EARL MCNUTT	ODS/6	1075

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EXAMINER
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HARPER, TRAMAR YONG

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/330,963

Applicant(s)

MCNUTT ET AL.

Examiner

Tramar Harper

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9, 11, 12, 15-25, 27, 28 and 31-94 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 15-25, 27, 28 and 31-94 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Applicant's request for reconsideration of the finality of the rejection of the previous Office Action is persuasive and, therefore, the finality of that action is withdrawn.

Examiner acknowledges receipt of the Applicants Arguments/Remarks filed on April 28, 2005 and August 11, 2006. It has been noted that Claims 1-9, 11-12, 15-25, 27-28, and 31-94 are pending and Claims 10, 13-14, 26, and 29-30 have been canceled.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-9, 11, 15-25, 27, 31-42, 44-55, & 57-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahl (PCT WO 97/28636) in view of Brenner et al (US 5,830,068).**

**Claims 1-2, 17-18, 33-34, and 46-47:** Dahl discloses a method and means for providing a wagering service via an interactive telecommunications network or system (Abstract). The system comprises of a central gambling station that is connected to player terminals via interfaces within the network. The gambling station establish connections with calling players, checks the player identities, checks players accounts

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in respective bank accounts (database corresponding to wager accounts), collects user inputs respective of played games, and transmits game instructions to and from the individual players. The gambling station provides two-way communications to banks, gambling authorities, players, etc. through a public telephone network, direct transmission lines, television links (Pg. 1:34-Pg. 2:15). Dahl system discloses three different type of wagering interface systems. Dahl discloses an interactive voice response system that receives a voice prompts to a potential player and the player responds via a telephone by transmitting wagering data such as wagering account information (Pg. 5:5-Pg. 6:10). Dahl discloses a computer wagering control system that receives wagering account information from a player via personal computer (Pg. 7:1-5). Dahl further discloses teaches a television control system that comprises of a television & telephone interface, wherein a player can input wagering information via the telephone and visually see wagering and gaming information via the television (Pg. 5:5-Pg. 6:10). Dahl incorporates by reference (Remillard US 5,404,393) that interactive television terminals with set-top boxes are well known in the art. Dahl discloses that the gambling system establishes two-way communications via television links, telephone networks, and direct transmission lines. Dahl further discloses that interactive telecommunication systems earlier known in the art may also be included to the system without extending the scope of the said invention (Pg. 2:35-Pg. 3:1). Brenner discloses a television wagering control system that provides data relative to a single wagering account to television distribution system and receives wagering information from a television wagering terminal that comprises of a set-top box and a television (Col. 3:35-

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45, Col. 6:55-63, Col. 7:35-54, Col. 15:26-35, Col. 19:35-51, Figs 1 & 29). Brenner discloses that such a system/interface decreases the amount of connect time via telephone lines and provide more information to the player via the television (Col. 1:35-Col. 2:29). It would have been obvious to one of ordinary skill at the time of the invention to modify the television wagering terminal of Dahl with the set-top wagering terminal of Brenner for the purposes and advantages of the above.

**Claims 3, 19, 35, 48, 61, 70, 79, & 88:** Brenner discloses the television distribution system being a cable system (Col. 6:55-63).

**Claims 4, 20, 36, 49, 62, 71, 80, & 89:** Brenner discloses the television distribution system being a satellite television system (Col. 6:55-63).

**Claims 5, 21, 37, 50, 63, 72, 81, & 90:** Brenner discloses the television wagering terminal being a cable television set-top box (Col. 7:5-20, Col. 21:15-20, Fig. 30).

**Claims 6, 22, 38, 51, 64, 73, 82, & 91:** Brenner discloses the television wagering terminal being a satellite television receiver (Col. 7:5-20).

**Claims 7, 23, 39, 52, 65, 74, 83, & 92:** Brenner discloses the television wagering control system receiving the wager information from the television wagering terminal via a telephone system connection (Col. 7:35-53, Col. 19:35-50).

**Claims 8, 24, 40, 53, 66, 75, 84, & 93:** Brenner discloses the television wagering control system receiving the wager information from the television wagering terminal via a cable system connection (Col. 19:35-50, Fig. 29 (376)).

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**Claims 9, 25, 41, 54, 67, 76, 85, & 94:** Brenner discloses the television wagering terminal control system receiving the wager information from the television wagering terminal via a computer network connection (Col. 7:35-53, Col. 19:35-50).

**Claims 11, 27, 42, & 55:** Dahl discloses the interactive voice response control system receiving wager information as signals generated in response to one or more telephone key depressions (Pg. 5:5-Pg. 6:10).

**Claims 15, 31, 44, 57, 59-60, 68-69, 77-78, & 86-87:** Dahl discloses the computer wagering control system providing the data relating to the single wagering account to the external computer and receiving the wager information from the external computer, through a telephone connection to the external computer via the Internet (Pg. 7: 1-4, Pg. 10:27-Pg. 11:6).

**Claims 16, 32, 45, & 58:** Dahl discloses the computer wagering control system providing the data relating to the single wagering account to the external computer and receiving the wager information from the external computer, through a telephone connection to the external computer (Pg. 7: 1-4, Pg. 10:27-Pg. 11:6). It's well known that a telephone can be in the form of wired or wireless telephone. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow interaction communication through a wireless communication in order to allow all types of user interfaces to access the system.

**Claims 12, 28, 43, & 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dahl (PCT WO 97/28636) in view of Brenner et al (US 5,830,068) in further view of Sakanishi et al (US 5,042,063).**

**Claims 12, 28, 43, & 56:** Dahl in view of Brenner meets all the limitations as disclosed above, but excludes the interactive voice response control system receiving wager information as commands that are spoken by a caller. However, voice response systems that translate spoken words into commands are well known in the art. Dahl discloses that the gambling system establishes two-way communications via television links, telephone networks, and direct transmission lines. Dahl further discloses that interactive telecommunication systems earlier known in the art may also be included to the system without extending the scope of the said invention (Pg. 2:35-Pg. 3:1).

Sakanishi discloses a telephone apparatus wherein a person does not have to press key to make calls but can simply say the dial commands. The telephone translates the utterances into dial commands (Abstract). It would have been obvious to one of ordinary skill at the time of the invention to modify the system of Dahl in view of Brenner such that not is wagering data (numbers) keyed in via a telephone, but can be verbally spoken as well, as taught by Sakanishi. Such a modification would provide an alternative means for telephone users that do not want to press any keys.

### ***Response to Arguments***

Applicant's arguments with respect to Claims 1-9, 11, 12, 15-25, 27, 28, and 31-94 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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**Remillard (US 5,404,393) teaches and interactive television system that comprises of a set-top box television terminal for user participation in various activities.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamar Harper whose telephone number is (571) 272-6177. The examiner can normally be reached on 7:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TH

JOHN M. HOTALING, II  
PRIMARY EXAMINER

